

### **REMARKS**

#### Status of the Claims

Claims 1, 3, 4, 8-9, 11-15, 36-38, 40-41, 43-47 and 50-55 are currently pending in the present application.

#### Amendments

Claim 5 has been canceled. Claims 1, 46, 51, 52, 54 and 55 have been amended to specify that the purified purge gas comprising oxygen (O<sub>2</sub>) and water has an AMC concentration less than about 1 part per trillion (ppt). This amendment is supported by U.S. Provisional Application No. 60/475,145, for example, at the abstract. Claims 1, 46, 51, 52, 54 and 55 have also been amended to specify that the method includes the step of outgassing AMC from the surface of the contaminated substrate. This amendment is supported by the specification, for example, at pages 6 and 9. Claims 1 and 54 were amended to refer to "the purified purge gas."

#### Rejection under 35 U.S.C. § 112, first paragraph

Claims 53 and 55 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner stated that the limitations of the claims constitute new matter not supported by the originally filed specification.

With regard to claim 53, the Examiner stated that the claim is not supported by Example 6 because the claim is directed to outgassing by contacting with a purified purge gas comprising O<sub>2</sub> and water, but Example 6 is directed to XCDA and not molecular oxygen and water, and the XCDA is purified and does not include any teaching of adding water.

With regard to satisfying the written description requirement, the fundamental factual inquiry is "whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed." MPEP 2613 (I)(B). A person of ordinary skill in the art would have known that XCDA, which stands for eXtreme Clean Dry Air, includes dioxygen, since it is well known that the general composition of air is approximately 21% O<sub>2</sub> and 78% N<sub>2</sub> by volume, with the remainder

including trace amounts of other elements and compounds

([http://www.engineeringtoolbox.com/air-composition-d\\_212.html](http://www.engineeringtoolbox.com/air-composition-d_212.html), attached hereto).

Regarding water, although Example 6 is directed to XCDA, the provisional specification teaches humidifying XCDA. Specifically, page 14 of U.S. Provisional Application No. 60/475,145, which states “[t]he XCDA may be passed through a bubbler containing UHP water,” and page 15, which states “[i]t is possible to add a bubbler or other wetting device for dry XCDA gas...therefore you dry the XCDA and then remoisturize it with ultrapure H<sub>2</sub>O...” Therefore, it would have been clear to a person of ordinary skill in the art that Applicants were in possession of the invention as claimed in claim 53.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

With regard to claim 55, the Examiner stated that the claim is not supported because pages 11-13 fails to teach dehumidifying the purified purge gas comprising oxygen, then adding a controlled amount of water to the dehumidified purge gas. Applicants direct the Examiner’s attention to pages 14 and 15 of U.S. Provisional Application No. 60/475,145, as described immediately above. The priority application teaches drying the XCDA and then remoisturizing it using a bubbler, which provides for the controlled addition of water to the XCDA. Therefore, it would have been clear to a person of ordinary skill in the art that Applicants were in possession of the invention as claimed in claim 55.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

#### Rejection under 35 U.S.C. § 112, second paragraph

Claim 53 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because it is unclear how the outgassing rate can be expressed as a concentration value of 1 ppt or less. The specification refers to outgassing rates in terms of ppt (for example, page 24, line 15 of the present specification and page 9 of Provisional Application No. 60/475,145). As used in the context of the present specification and as would be understood by a person of ordinary skill in the art, the language “outgas from the surface at a rate at or below 1 ppt” means that for every trillion parts of the purge gas provided, one part or less of the organic contaminant outgasses from the surface of the substrate. Thus, parts per trillion is used to refer to both a concentration

and a rate of outgassing. Claims 53 therefore meets the requirements of 35 U.S.C. § 112, second paragraph. Reconsideration and withdrawal of the rejection are respectfully requested.

#### Rejections under 35 U.S.C. § 103

Claims 1, 3-5, 8-9, 11, 38, 41, 43-47 and 53-54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,427,703 (hereinafter, "Somekh") in view of U.S. Patent No. 6,610,123 (hereinafter "Wu") and further in view of U.S. Patent No. 6,391,090 (hereinafter, "Alvarez").

The presently claimed invention is directed to outgassing AMC from a surface of the substrate using a purified purge gas comprising oxygen (O<sub>2</sub>) and water. Historically, inert purge gases of high purity have been used to purge equipment surfaces of absorbed contaminants. Specifically, conventional wisdom in the art has taught that gases such as ultra high purity (UHP) nitrogen are needed to remove surface impurities (pg. 8, lines 26-28 of the present application). In addition, oxygen and water have long been considered to be impurities that must be removed from equipment surfaces (pg. 11, lines 14-15 of the present application). Therefore, gases containing oxygen and/or water were considered inappropriate for cleaning of equipment components.

The inventors of the present invention made two important discoveries: 1) large amounts of absorbed contaminants can be trapped under equipment surfaces, surprisingly more than originally thought; and 2) contrary to conventional wisdom, the purge gases used in the presently claimed method are capable of desorbing contaminants from equipment surfaces more efficiently than nitrogen. These discoveries are significant, because thorough desorption of contaminants from equipment surfaces can greatly improve product yield and because purge gases comprising oxygen and/or water are safer and less expensive than nitrogen, and they can be produced on site.

The surprising extent to which contaminants are present as absorbed species within equipment and the effectiveness of an oxygen-containing purge gas in effecting their removal by outgassing are demonstrated, for example, in Example 1 and Fig. 9. of the present application. In the example, a contaminated gas containing hydrocarbons was introduced in a wafer chamber to achieve a known level of contamination therein. Two purge gases, UHP nitrogen purge and an oxygen-containing purge gas (extra clean dry air, or XCDA), were used to purge the wafer

chamber and the effectiveness of each was compared. Fig. 9 shows the reduction of hydrocarbon contaminant concentration over time for both purge gases. The oxygen-containing purge gas is represented by line 608, while the nitrogen purge gas is represented by line 606. For both nitrogen and XCDA, the elution times required to achieve a concentration of 10 ppt was greater than six hours (about 6 hours and 20 minutes for XCDA, and about 7 hours for nitrogen), but the theoretical elution time was calculated to be only less than 20 minutes (page 16, lines 20-27). This indicated that most of the contaminants were desorbed contaminants from the surface of the wafer chamber rather than contaminants present in the gas within the chamber. The examples also established that XCDA achieved desorption of the contaminants from the wafer chamber interior surface over a shorter period of time than nitrogen. Similar results are achieved using water-containing purge gases, such as nitrogen and water, and XCDA and water, as demonstrated in Example 5 and Table 1.

In contrast, Somekh discloses carbon deposits from equipment by reacting the carbon deposits to form a volatile gas species. (See Somekh col. 3, lines 13-45.) Somekh explains that repeated exposure of a mask to charged particle beams tends to cause a build-up of carbon on the mask (col. 1, lines 61-67). To eliminate the carbon deposits, Somekh discloses transforming the surface carbon deposits into an oxidized carbon gas, namely carbon monoxide (CO) and carbon dioxide (CO<sub>2</sub>) (col. 5, lines 34-41). Somekh discloses providing an oxidizer in an activated state using methods such as thermal activation, microwave activation, plasma discharge, and ozone activation (col. 6, lines 38- 45) to chemically transform the carbon deposits into CO and CO<sub>2</sub> and subsequently removing the different gaseous entities (col. 5, lines 33-40).

In determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. MPEP 2141.02 (I). As a whole, the presently claimed invention is directed to a process of outgassing AMC by contacting at least a portion of the substrate with a purified purge gas. According to the Oxford English Dictionary, the term “outgas” means “to drive off sorbed gas or vapour from a solid” (definition attached hereto). The carbon contamination on the mask as described by Somekh are solid “deposits,” and not AMC absorbed at the mask surface. Therefore, Somekh does not disclose outgassing the AMC from a surface of the organic contaminated substrate, as presently claimed.

Further, Applicants maintain that Wu fails to disclose the presently recited temperature ranges. In response to the Applicants' previous argument that the term "ambient," as described in the disclosure of Wu at column 3, lines 1-4, does not amount to a teaching or suggestion of "contacting at least a portion of the substrate with a purified purge gas at a temperature of about 20-100°C," the Examiner reiterated the language provided in Wu, which states:

The temperature set point is usually chosen to be the same as the ambient temperature in the vicinity of the mask 240 in the stepper. The temperature of the purge gas 215 is controlled to  $\pm 0.2$  degree Centigrade. (Emphasis added)

The Compact Oxford English Dictionary (Second Edition) provides the following non-rare (note that entries 1, 2, 5 and 6 are denoted as being rare) definitions of ambient (entries are attached hereto):

3. Lying round, surrounding, encircling, encompassing, environing.
4. Surrounding as a fluid; circumfused.

Thus, as stated previously in the context of Wu, the term "ambient" refers to the temperature of the fluid surrounding the mask in the stepper, not any particular numerical temperature value.

In further support of Applicants' position, Wu specifically states "...ambient temperature in the vicinity of the mask." If the above statement were intended to mean that the temperature set point is chosen to be ambient/room temperature, as suggested by the Examiner, Wu would simply have stated "The temperature set point is usually chosen to be ambient temperature."

The Examiner further stated that it is well known in the cleaning art, as evidence by U.S. Patent No. 4,276,368 of Heller *et al.* ("Heller") that ambient temperature refers to room temperature.

Applicants respectfully disagree that Heller evidences that ambient temperature necessarily means room temperature. At col. 8, lines 7-9, Heller states:

Examples were generally conducted with development carried out at ambient temperature (room temperature).

If it were indeed well understood in the cleaning art that ambient temperature refers to room temperature, as suggested by the Examiner, it would not have been necessary for Heller to

parenthetically clarify that the term ambient, for the purposes of that particular disclosure, means “room temperature.”

Applicant’s own priority application, Provisional Application No. 60/475,145, also parenthetically clarifies what is meant by “ambient,” as that word is used in the Provisional Application (page 14 of Provisional Application No. 60/475,145)<sup>1</sup>. Thus, the reference does not provide a specific temperature, much less the specific temperature range of about 20 to 100°C.

The Examiner indicated at paragraph 17 of the Office Action that the Examiner’s hindsight is proper because the application of the temperature range of about 20 to 100°C of Somekh was within the level of ordinary skill at the time the invention was made and does not include knowledge gleaned only from the applicant’s disclosure. As stated previously, Wu does not teach the presently claimed temperature range of about 20 to 100°C and Applicants are unable to find any such teaching within the Examiner’s cited prior art. Therefore, the Examiner’s hindsight is improper.

In response to Applicants’ argument that a person of ordinary skill in the art would not combine Somekh and Wu because high temperatures are required to carry out the method of Somekh, as evidence by Exhibits A and B, the Examiner indicated at paragraph 18 of the Office Action that the Exhibits A and B are not persuasive because they are directed to different methodologies that are “unrelated to the photolithographic process and a purge gas.” However, it is irrelevant that Exhibits A and B are unrelated to a photolithographic process and purge gas. Applicants submitted these exhibits to establish the temperature range required to oxidize carbon. The reaction temperatures demonstrated in Exhibits A and B are parameters of general chemical reactions in which carbon undergoes oxidation; the behavior of chemical reaction itself is independent of the particular application in which the chemical reaction is being used.

Additionally, Applicants note that U.S. 5,786,042 of Inoue *et al.* (Inoue), which the Examiner has cited as evidence that carbon is oxidized at room temperature (asserted by the Examiner at page 13, paragraph 18 of the Office Action), also is not related to a photolithographic process. Applicants further note that Inoue does not actually state that carbon

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<sup>1</sup> The first full paragraph on page 14 of Provisional Application No. 60/475,145 states:

Purification and cleaning of components and apparatuses is preferably carried out at temperature between ambient temperatures (about 20°C) to about 50°C. (Emphasis added).

powder is oxidized by dioxygen (O<sub>2</sub>) at room temperature, but merely states that carbon black can be kept at a pH of 6.5 or less by bringing carbon powder into contact with free (i.e., not chemically bound in a molecule) oxygen at room temperature (col.2, lines 55-59).

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 14-15, 40 and 50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Somekh in view of Wu and Alvarez as applied above, and further in view of U.S. Patent No. 6,724,460 of Van Schaik ("Van Schaik").

The Examiner asserts that Van Schaik teaches purging with nitrogen and that it would have been obvious to a person of ordinary skill in the art to have modified the method of Somekh to include purging with an inert gas. With regard to claim 40, the Examiner states the Van Schaik teaches 20% of oxygen.

Claims 14, 15, and 50 are directed to purging the substrate with an inert gas to remove at least one of oxygen and water after removing the contaminated purge gas from the substrate, not merely purging with nitrogen. As stated in the present application at page 13, lines 24-30:

...an oxygen and water containing purge gas...is removed by purging with a dry gas including...nitrogen or other inert gas to remove the water, which is incompatible with a number of high purity applications...an oxygen containing purge gas is removed by purging with nitrogen or another inert gas, if the device is to be placed into service where oxygen is considered undesirable.

That is, an inert purge gas is used to purge a system of the presently claimed purge gas comprising oxygen and water in order to remove said latter purge gas after outgassing AMC from contaminated surfaces, when its presence in the system may be no longer considered desirable.

Van Schaik fails to teach or suggest purging the substrate with an inert gas after removing the contaminated purge gas from the substrate. Thus, in addition to the reasons stated above with respect to Somekh and Wu, claims 14, 15, and 50 are patentable over the Examiner's cited references.

With regard to claim 40, the Examiner stated that Van Schaik teaches 20% of oxygen at col. 9, lines 40-45. Actually, col. 9, lines 40-45 of Van Schaik teaches "20% of an oxygen-

containing species” (Emphasis added), which the reference defines as water, nitrogen oxide, and oxygen-containing hydrocarbons” (col. 4, lines 6-8). In any case, the reference fails to specify whether the 20% is weight basis, molar basis, or volumetric basis. Therefore, this reference fails to teach “wherein the purified purge gas comprises oxygen at a concentration between about 1% and 25% on a volume basis,” as recited in claim 40 of the present application.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 1, 3-5, 8-9, 11, 38, 40-41, 43-47 and 51-54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0017198 of Van Der Net (“Van Der Net”) in view of Alvarez.

Applicants respectfully disagree with the Examiner’s position at page 14, paragraph 20 of the Office Action, that the claimed invention is not supported by the provisional application, and therefore the effective filing date of the instantly claimed invention is 10/10/03, after the filing date of Van Der Net.

The present claims are supported by the specification. For example, regarding claim 1:

<b>Claim Element</b>	<b>Support from Provisional Application No. 60/475,145</b>
outgassing the AMC from a surface of the organic contaminated substrate	Pages 6 and 7 – 2.2. Procedure describes outgassing of contaminated valves
by contacting at least a portion of the substrate with a purified purge gas	Page 6 – “Purified sample case (N2 and CDA) was sent through each VUT...” Page 7 – “The purge gas was then changed to XCDA. The sample purge procedure was then repeated for each of the previously nitrogen purged VUT.”
at a temperature of about 20 °C to 100 °C	Page 14 – “Purification and cleaning of components and apparatuses is preferably carried out temperature between ambient temperatures (about 20°C) to about 50°C. Cleaning may be carried out at high temperatures, up to 100°C or even 150°C.”
the purified purge gas comprising oxygen (O <sub>2</sub> ) and water,	Page 15 - “[i]t is possible to add a bubbler or other wetting device for dry XCDA gas...therefore you dry the XCDA and then



	remoisturize it with ultrapure H <sub>2</sub> O..."
the purified purge gas having an AMC concentration less than about 1 part per trillion (ppt) on a volume basis,	<p>Page 1 – The effects of AMCs have been previously studied...some common contaminants and their effects...are shown in Table 1.</p> <p>Table 1</p> <p>Page 2 – "XCDA is the result of polishing readily available clean dry air to contain less than 1 ppt per species for non-methane hydrocarbons, sulfur compounds, and siloxanes..."</p>
, the substrate contaminated with AMC before the substrate is contacted with the purified purge gas;	Page 10 – "The generally accepted protocol for UHP gas line validation requires extensive purging with nitrogen...[h]owever, with all three VUT's XCDA volatized additional hydrocarbons..."
producing a contaminated purge gas by transferring a portion of the outgassed contaminants from the substrate into the purified purge gas removing the contaminated purge gas from the substrate, thereby removing AMC from the substrate.	Page 6 – "As the gas is purged through the VUT, any desorbed contaminants are collected downstream...."

Thus, Van Der Net does not constitute prior art with respect to at least claim 1 of this application. The prior art date of Van Der Net is its filing date of July 21, 2003. The present application claims the benefit of U.S. Provisional Application No. 60/475,145 filed on June 2, 2003. Since Van Der Net does not constitute prior art, the rejection is improper.

It is noted that claim 51 was only rejected as unpatentable over Van Der Net in view of Alvarez. Claim 51 is similar to claim 1, but recites that the purge gas is a humidified purge gas comprising XCDA. Since humidified XCDA is taught in U.S. Provisional Application No. 60/475,145 at pages 14 and 15, Van Der Net does not constitute prior art with respect to claim 51. Thus, claim 51 is patentable.

Nevertheless, assuming *arguendo* that Van Der Net is a valid prior art reference to the present application, a person of ordinary skill in the art would not have been motivated to combine the teachings of Van Der Net and Alvarez. Van Der Net teaches adding moisture to a purge gas to make it effective in reducing contamination, while Alvarez states that it is important to effectively remove water.

In response to the Applicants' arguments supporting lack of motivation to combine the references, the Examiner stated that Van Der Net teaches that the purge gas can have an amount of moisture within the range of 0-100% and that as one possible embodiment, the purge gas of Van Der Net could have water in the ppm range.

Applicants maintain the arguments as set forth in the Reply dated April 30, 2009 and the Reply dated November 30, 2009. The Examiner's argument that "as one possible embodiment" the purge gas could have water in the ppm range ignores the requirement of a reasonable expectation of success, as set forth in MPEP 2143.02. Given the fact that Van Der Net teaches that more than 25% relative humidity provides good results and about 40% provides optimal results, a person of ordinary skill in the art would not have had a reasonable expectation of success in employing a water concentration in the ppm range, as suggested by the Examiner.

Further, if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. MPEP 2143.01 (V) (Emphasis added). In this case, to carry out the invention of Van Der Net effectively, the reference requires the presence of water in an amount greater than that disclosed by Alvarez (i.e., the order of 1 ppb or lower; col. 7, lines 8-9 of Alvarez). Thus, the Examiner's proposed modification of Van Der Net in view of Alvarez renders the invention of Van Der Net unsatisfactory of its intended purpose.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 14-15 and 50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Van Der Net in view of Alvarez as applied to claims 1, 3-5, 8-9, 11, 38, 40-47, and 49 and further in view of Van Schaik.

The Examiner's rejection is improper for the same reasons with respect to claims 1, 3-5, 8-9, 11, 38, 40-41, 43-47 and 51-54 set forth above. In addition, Applicants assert the same

arguments set forth above with regard to the Examiner's rejection of claims 14-15, 40 and 50 under 35 U.S.C. § 103(a) as over Somekh in view of Wu, Alvarez and Van Schaik. That is, Van Schaik fails to teach or suggest purging the substrate with an inert gas after removing the contaminated purge gas from the substrate.

Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 52 and 53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Van Schaik in view of Alvarez.

With regard to claim 52, the Examiner stated, "Van Schaik teaches that...the contaminants are removed and not chemically altered." Applicants respectfully direct the Examiner's attention to Van Schaik at col. 7, lines 51-54, which states, "As these OH-radicals are located near to or on the hydrocarbon contaminant residing on said surface, it reacts readily therewith." Thus, the purge gas comprising molecular oxygen and water, as described in Van Schaik, reacts with the contaminants, contrary to the Examiner's assertion.

With regard to claim 53, the Examiner's rejection, which relies upon the indefiniteness rejection discussed above, is improper in view of the Applicants' above arguments in response to the Examiner's rejection under §112, second paragraph.

Further, a claim limitation which is considered indefinite cannot be disregarded. MPEP 2143.03 (I). If a claim is subject to more than one interpretation, at least one of which would render the claim unpatentable over the prior art, the examiner should reject the claim as indefinite under 35 U.S.C. § 112, second paragraph and should reject the claim over the prior art based on the interpretation of the claim that renders the prior art applicable. Id., (Emphasis in original). Here, the Examiner has failed to provide support for the rejection under § 103(a) and the rejection is therefore improper.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

#### Double Patenting Rejections

The Examiner rejected claims 1, 3-5, 11, 14-15, 38, 40-41, 43-45, 50 and 52-54 on the ground of nonstatutory obviousness-type double patenting over claims 1-4, 7, 9-14, and 20-23 of

U.S. Patent No. 7,189,291. Applicants will address this issue upon indication of allowable subject matter.

The Examiner rejected claims 1, 3, 8, 11, 14-15, 38, 41, 43, 46 and 50-54 on the ground of nonstatutory obviousness-type double patenting over claims 1, 6, 11-21 and 23-24 of U.S. Patent No. 7,377,982. Applicants will address this issue upon indication of allowable subject matter.

Supplemental Information Disclosure Statement

An Supplemental Information Disclosure Statement (SIDS) is being filed concurrently herewith. Entry of the SIDS is respectfully requested.

Request for Interview

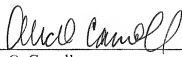
Applicants respectfully request an interview with the Examiner before the issuance of another Office Action or other communication.

**CONCLUSION**

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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